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Attorney for Defendant Robert A. Lund

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT A. LUND,

Defendant.

Case No. 3:18-cr-180-SI

Case No. 3:19-cr-244-SI

DEFENDANT'S MOTION TO ALLOW
HYBRID REPRESENTATION BY
COUNSEL

Robert A. Lund, by and through his appointed counsel, Noel Grefenson, moves the Court to conduct a *Faretta* hearing in this matter and thereafter permit Mr. Lund to proceed with hybrid representation with his court-appointed counsel at trial. As asserted in his supporting declaration, Mr. Lund intends to personally conduct voir dire, opening statements, examination of witnesses and closing argument at his trial, but requests the continued assistance of his court-appointed counsel, where necessary, to help him with some of the more technical aspects of his trial including his own direct examination. The Supreme Court's decisions in *McCoy v. Louisiana*, 138 S. Ct. 1500 (2018) and *Weaver v.*

Massachusetts, 137 S. Ct. 1899 (2017), lend support to Mr. Lund's request for hybrid representation in this case and this Court as well as other judges in this District have authorized such representation in previous cases. See *US. v. Cramer*, 3:17-cr-00267-SI, *US v. Medenbach* 15-cr-00407-MC (Judge McShane), and *US v. Bundy et al* 3: 16-cr-OOOSI-16-BR (Judge Brown).

For the foregoing reasons Mr. Lund requests that the Court hold a hearing as required by *Faretta v. California*, 422 U.S. 806 (1975), to ensure that Mr. Lund appreciates the risks and benefits of proceeding with hybrid representation of appointed counsel and agrees to waive his Sixth Amendment right to counsel to the extent he elects to represent himself in this matter.

Dated: July 12, 2021.

/s/ Noel Grefenson

Noel Grefenson, OSB No. 882168
Attorney for Defendant Robert A. Lund

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DECLARATION OF ROBERT A. LUND IN
SUPPORT OF MOTION FOR HYBRID
REPRESENTATION BY COURT-
APPOINTED COUNSEL

Under the penalty of perjury of the laws of the United States of America, I, Robert A. Lund, declare that the following statement is true and correct to the best of my knowledge and belief:

1. I am the defendant named in the above-referenced criminal proceedings.
2. Over my initial objections, the Court appointed Mr. Grefenson to appear as my counsel in these proceedings although I had not requested the appointment of counsel and later requested that the Court allow Mr. Grefenson to appear as stand-by counsel.
3. It is my desire to represent myself at my jury trial in order to conduct my own voir dire, make my own opening statement to the jury, examine witnesses and

argue my case to my jury at summation.

4. I have previously represented myself in federal civil tax proceedings so have some courtroom experience although it is admittedly limited. It is for this reason that I request that the Court allow hybrid representation by Mr. Grefenson so that he can assist me with technical evidentiary and procedural issues if necessary and so that he can lead me through my direct examination before the jury.

5. I am familiar with the United States Supreme Court's decision in *Faretta v. California*, 422 U.S. 806 (1975), and have discussed that decision with Mr. Grefenson. I understand that the constitution provide me with the right to representation by counsel at all stages of these proceedings and I also understand that the constitutional guarantees me the right to represent myself at all stages of these proceedings with the assistance of counsel.

6. I understand that there are significant hazards and disadvantages of representing myself at trial but I also believe that it is critically important to my defense that I be permitted the opportunity to personally address the jury whenever possible, including during voir dire, opening statements and summation.

7. I have discussed with Mr. Grefenson and understand the maximum penalties which apply to each offense charged in my indictments as well as the advisory sentencing guidelines provisions that will apply to one or more of those offenses should I be convicted at trial.

8. Although I have represented myself in previous federal civil court proceedings, I am not trained in the law and am not entirely fluent with the federal rules of evidence or the federal rules of criminal procedure which I know will apply during this

criminal trial. If and when I believe I am unable to adequately handle technical aspects of my trial it is my desire that Mr. Grefenson be available to assist me with those matters to the extent that I deem necessary and appropriate to the circumstances.

9. For all of the reasons discussed above, I request that the Court permit me to proceed with hybrid representation of court-appointed counsel during my trial proceedings.

10. Under Penalty of Perjury of the Laws of the United States, I declare that the foregoing factual representations are true and correct to the best of my knowledge and belief.

Dated: _____, 2021.

Robert A. Lund - Defendant